

Message Text

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PAGE 01 MANILA 13741 01 OF 02 301156Z

53

ACTION L-03

INFO OCT-01 EA-07 ISO-00 OES-03 CIAE-00 INR-07 NSAE-00

ACDA-05 DODE-00 COME-00 PM-04 NSC-05 SP-02 SS-15 /052 W

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 8032

LIMITED OFFICIAL USE SECTION 1 OF 2 MANILA 13741

E.O. 11652: N/A

TAGS: EGEN, RP

SUBJECT: PROPOSED TECHNICAL AND SCIENTIFIC AGREEMENT WITH GOP

REF: (A) MANILA 10964; (B) MANILA 3497; (C) STATE 93183.

SUMMARY: UTILIZING THE DRAFT TEXT IN MANILA 3497 AS AUTHORIZED BY THE DEPARTMENT, THE EMBASSY HAS BEEN EXPLORING WITH THE GOP THE FEASIBILITY OF NEGOTIATING A SCIENTIFIC AND TECHNICAL AGREEMENT. TRANSMITTED HERewith IS AN AGREED EMBASSY IF DEPT CONCURS WITH DRAFT, REQUESTING 175 AUTHORITY. GOP INFORMAL DRAFT. END SUMMARY

1. EMBASSY AND GOP HAVE HELD DISCUSSIONS ON THE PROPOSED SCIENTIFIC AND TECHNICAL AGREEMENT AND HAVE ARRIVED AT AN AGREED INFORMAL DRAFT. DISCUSSIONS BENEFITTED FROM EMBASSY CONSULTATION WITH DR. DONALD KING WHO WAS IN MANILA SEPTEMBER 14 TO 25 IN HIS CAPACITY AS U.S. CHAIRMAN OF MAN AND THE BIOSPHERE. THE DEPARTMENT WILL NOTE THAT THE GOP HAS RE-WORDED ARTICLE I, RE-ARRANGED AND EXPANDED ON ARTICLE 2, AND ADDED AREAS OF COOPERATION IN ARTICLE 8. DURING DISCUSSIONS MAJOR PROBLEM WAS GOP DESIRE TO INCLUDE WORDING ON OPERATIONAL PROGRAMS, BUT EMBASSY SUCCEEDED IN IMPRESSING UPON GOP THAT S&T AGREEMENT IS NOT VEHICLE FOR ASSISTANCE BUT RATHER MEANS FOR FURTHER SCIENTIFIC AND TECHNICAL COOPERATION.

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PAGE 02 MANILA 13741 01 OF 02 301156Z

2. THE DEPARTMENT IS ASKED TO REVIEW THE AGREED INFORMAL

DRAFT AND INITIATE CIRCULAR 175 AUTHORITY FOR THE NEGOTIATION AND CONCLUSION OF THE PROPOSED S&T AGREEMENT. FOLLOWING IS TEXT OF INFORMAL DRAFT. QUOTE AGREEMENT RELATING TO SCIENTIFIC AND TECHNICAL COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES. PARA THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES, PARA RECOGNIZING THAT SCIENTIFIC AND TECHNICAL COOPERATION WILL ADVANCE THE STATE OF SCIENCE AND STRENGTHEN BONDS OF FRIENDSHIP TO THEIR MUTUAL BENEFIT, PARA DESIRING TO PROMOTE IN AREAS OF COMMON INTEREST THE CLOSEST COLLABORATION BETWEEN THE CIVIL SCIENTIFIC AGENCIES OR INSTITUTIONS OF BOTH COUNTRIES, PARA HAVE AGREED AS FOLLOWS:

ARTICLE I

PARA THE PRINCIPAL OBJECT OF THIS COOPERATION IS TO PROVIDE ADDITIONAL OPPORTUNITIES TO EXCHANGE INFORMATION, EXPERIENCES AND EXPERTISE, TO COLLABORATE ON PROBLEMS OF MUTUAL INTEREST, TO WORK TOGETHER IN PROPER ENVIRONMENTS AND TO SHARE SPECIAL FACILITIES. PARA

ARTICLE 2

PARA 1. TO THE EXTENT THAT THE TWO GOVERNMENTS AGREE, THIS COOPERATION MAY TAKE THE FOLLOWING FORMS:

- (A) VISITS AND EXCHANGES OF SCIENTISTS, ENGINEERS, TECHNICIANS AND OTHER EXPERTS ON GENERAL OR SPECIFIC SUBJECT; PARA
- (B) CONVOCAION OF JOINT MEETINGS OF VARIOUS FORMS, SUCH AS THOSE OF EXPERTS, TO DISCUSS AND EXCHANGE INFORMATION ON SCIENTIFIC AND TECHNOLOGICAL ASPECTS OF GENERAL OR SPECIFIC SUBJECTS AND TO IDENTIFY RESEARCH AND DEVELOPMENT PROJECTS AND PROGRAMS WHICH MAY BE USEFULLY UNDERTAKEN ON A COOPERATIVE BASIS; PARA
- (C) CONDUCTING JOINT RESEARCH, DEMONSTRATION PROJECTS, AND PROGRAMS RELATING TO PRACTICAL APPLICATIONS OF SCIENCE AND TECHNOLOGY; AND PARA

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PAGE 03 MANILA 13741 01 OF 02 301156Z

(D) ANY OTHER JOINT ACTIVITY WHICH MAY FURTHER SCIENTIFIC AND TECHNICAL COOPERATION, INCLUDING TRAINING PROGRAMS AND FELLOWSHIPS. PARA PARA 2. THE SCIENTISTS AND EXPERTS INVOLVED MAY BE THOSE IN GOVERNMENT AGENCIES OR IN ACADEMIC OR OTHER INSTITUTIONS OF EITHER COUNTRY. PARA

ARTICLE 3

PARA IN APPROPRIATE CASES SCIENTISTS, EXPERTS, AGENCIES
OR INSTITUTIONS OF THIRD COUNTRIES MAY BE ENCOURAGED TO
PARTICIPATE IN PARTICULAR COOPERATIVE PROJECTS OR
PROGRAMS. PARA

ARTICLE 4

PARA EACH GOVERNMENT SHALL BEAR, IN ACCORDANCE WITH ITS
APPROPRIATE FINANCIAL AND BUDGETARY PROCESSES AND SUBJECT
TO THE AVAILABILITY OF FUNDS, THE COSTS OF DISCHARGING
ITS RESPONSIBILITIES UNDER PARTICULAR PROJECTS OR
PROGRAMS, IN SPECIFIC CASES, THE COSTS SHALL BE BORNE
AS AGREED BETWEEN THE RESPECTIVE GOVERNMENTS. PARA

ARTICLE 5

PARA EACH GOVERNMENT SHALL FACILITATE ENTRY TO AND EXIT
FROM ITS TERRITORY OF PERSONNEL AND EQUIPMENT OF THE
OTHER COUNTRY, ENGAGED ON OR USED IN PROJECTS AND PROGRAMS
UNDER THIS AGREEMENT. PARA

ARTICLE 6

PARA SCIENTIFIC INFORMATION DERIVED FROM A COOPERATIVE
ACTIVITY UNDER THIS AGREEMENT WILL BE MADE AVAILABLE
TO THE WORLD'S SCIENTIFIC COMMUNITY THROUGH CUSTOMARY
CHANNELS AND IN ACCORDANCE WITH PROCEDURES AGREED UPON
BY THE TWO GOVERNMENTS FOR THE PARTICULAR ACTIVITY. PARA

PARTICLE 7

PARA THE TWO GOVERNMENTS WILL JOINTLY REVIEW THE PROGRESS
OF COOPERATION UNDER THIS AGREEMENT FROM TIME TO TIME. PARA

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PAGE 01 MANILA 13741 02 OF 02 301044Z

53

ACTION L-03

INFO OCT-01 EA-07 ISO-00 IO-10 COME-00 OES-03 DODE-00

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R 300907Z SEP 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 8033

LIMITED OFFICIAL USE SECTION 2 OF 2 MANILA 13741

ARTICLE 8

PARA THE TWO GOVERNMENTS MAY CONCLUDE IMPLEMENTING ARRANGEMENTS THROUGH APPROPRIATE CHANNELS WITH RESPECT TO PARTICULAR PROJECTS OR PROGRAMS IN THE SCIENTIFIC AND TECHNICAL FIELD. AN IMPLEMENTING ARRANGEMENT MAY SPECIFY THE AREA OF COOPERATION, THE AGENCIES INVOLVED, THE PROCEDURES TO BE FOLLOWED, INCLUDING FINANCIAL ARRANGEMENTS, AND OTHER APPROPRIATE MATTERS. THE TERMS OF THIS AGREEMENT SHALL APPLY TO THE IMPLEMENTING ARRANGEMENT UNLESS THE PARTIES OTHERWISE AGREE. PARA PARA THIS AGREEMENT CONTEMPLATES THAT SPECIFIC PROJECTS OF A RESEARCH OR DEVELOPMENTAL NATURE WOULD BE ENTERED INTO THE FOLLOWING ALREADY IDENTIFIED AREAS OF MUTUAL INTEREST WITH PREJUDICE TO OTHER AREAS OF AGREEMENT IN THE FUTURE. PARA

AREA 1 - METEOROLOGY

AREA 2 - AGRICULTURE

AREA 3 - ENVIRONMENT, ECOLOGY AND RESOURCE MANAGEMENT

AREA 4 - INDUSTRY, TECHNOLOGY AND ENERGY

AREA 5 - HEALTH

AREA 6 - SCIENCE INFRASTRUCTURE

ARTICLE 9

PARA UPON THE REQUEST OF EITHER GOVERNMENT, THE TWO GOVERNMENTS SHALL CONSULT WITH REGARD TO ANY AMENDMENT LIMITED OFFICIAL USE

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PAGE 02 MANILA 13741 02 OF 02 301044Z

OF, OR OTHER MATTER RELATING TO THIS AGREEMENT OR ANY IMPLEMENTING ARRANGEMENTS MADE UNDER THIS AGREEMENT. PARA

ARTICLE 10

PARA NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED TO PREJUDICE OTHER ARRANGEMENTS FOR SCIENTIFIC AND TECHNICAL COOPERATION BETWEEN THE TWO GOVERNMENTS PARA

ARTICLE 11

PARA THE TERMINATION OF THIS AGREEMENT SHALL NOT AFFECT THE CARRYING OUT OF ANY PROJECT AND PROGRAM UNDERTAKEN IN ACCORDANCE WITH THE IMPLEMENTING ARRANGEMENTS REFERRED TO IN ARTICLE 8 AND NOT FULLY EXECUTED AT THE TIME OF THE TERMINATION OF THIS AGREEMENT. PARA

ARTICLE 12

PARA 1. THIS AGREEMENT SHALL ENTER INTO FORCE UPON SIGNATURE AND REMAIN IN FORCE FOR FIVE YEARS. PARA PARA HOWEVER, EITHER GOVERNMENT MAY AT ANY TIME GIVE NOTICE TO THE OTHER GOVERNMENT OF ITS INTENTION TO

TERMINATE THIS AGREEMENT, IN WHICH CASE THIS AGREEMENT
WILL TERMINATE SIX MONTHS AFTER SS H NOTICE PXS BEEN
GIVEN. PARA

PARA 2. THIS AGREEMENT MAY BE EXTENDED BY MUTUAL
AGREEMENT FOR A FURTHER SPECIFIED PERIOD. PARA
IN WITNESS WHEREOF THE UNDERSIGNED, BEING FULLY AUTHORIZED
BY THEIR RESPECTIVE GOVERNMENTS, HAVE SIGNED THIS
AGREEMENT. PARA DONE AT MANILA THIS DAY OF
ONE THOUSAND NINE HUNDRED AND IN DUPLICATE IN THE
ENGLISH LANGUAGE. UNQUOTE

3. COMMENT: GOP INITIALLY REQUESTED THAT THE WORD
QUOTE CIVIL UNQUOTE BE DELETED BEFORE WORDS
QUOTE SCIENTIFIC AGENCIES UNQUOTE CONFIRMED
INTRODUCTION IN ORDER FOR AGREEMENT TO COVER PHIL
MILITARY CONDUCTED SCIENTIFIC RESEARCH SUCH AS TYPHOON
MODIFICATION. EMB DISCOURAGED THIS DELETION ON THEORY
THAT INTENT OF AGREEMENT LIMITED TO SCIENTIFIC COOPERA-
TION BY CIVILIAN AGENCIES OF BOTH GOVERNMENTS. GOP PANEL
VERY RELUCTANTLY CONCURRED. HOWEVER, ON FURTHER
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PAGE 03 MANILA 13741 02 OF 02 301044Z

REFLECTION, EMB BELIEVES DELETION OF WORD QUOTE CIVIL
UNQUOTE MAY BE DESIRABLE FROM USG VIEWPOINT IN ORDER
FOR SUCH AGREEMENTS AS NAMRU, WHICH INVOLVES US NAVY
CONDUCTED MEDICAL RESEARCH AND WHICH EMB HAS BEEN ATTEMPT-
ING TO NEGOTIATE TO FALL UNDER UMBRELLA OF S/T
AGREEMENT. EMB ALSO NOTES THAT US/NEW ZEALAND S/T
AGREEMENT. (TIAS 7806) IS NOT LIMITED TO CIVIL AGENCIES.
THEREFORE, EMB BELIEVES IT WOULD BE OF MUTUAL INTEREST
TO DELETE THE LIMITING WORD QUOTE CIVIL UNQUOTE FROM
THE PREAMBLE. IF DEPT HAS NO OBJECTION, REQUEST 175
AUTHORITY BE PREMISED UPON THE AGREEMENT AS CITED
WITH DELETION OF THE WORD QUOTE CIVIL UNQUOTE IN
THIRD PARA OF PREAMBLE. SULLIVAN

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